

EXHIBIT 2

[REDACTED VERSION OF DOCUMENT
SOUGHT TO BE SEALED]

Page 1	Page 2
<p>1 UNITED STATES DISTRICT COURT</p> <p>2 NORTHERN DISTRICT OF CALIFORNIA</p> <p>3 SAN FRANCISCO DIVISION</p> <p>4</p> <p>5 In re TWITTER INC. SECURITIES LITIGATION</p> <p>6 This Document Relates To:</p> <p>7 ALL ACTIONS.</p> <p>8</p> <p>9 Case No. 3:16-cv-05314-JST (SK)</p> <p>10 CLASS ACTION</p> <p>11 AMENDED NOTICE OF DEPOSITIONS TO NON-PARTIES</p> <p>12</p> <p>13 ***ATTORNEYS' EYES ONLY***</p> <p>14 VIDEOTAPED DEPOSITION OF</p> <p>15 ADAM MESSINGER</p> <p>16 San Francisco, California</p> <p>17 February 13, 2019</p> <p>18 VOLUME I</p> <p>19</p> <p>20</p> <p>21</p> <p>22 REPORTED BY:</p> <p>23 JOHNNA PIPER</p> <p>24 CSR 11268</p> <p>25 Job No. 10051935</p>	<p>1 UNITED STATES DISTRICT COURT</p> <p>2 NORTHERN DISTRICT OF CALIFORNIA</p> <p>3 SAN FRANCISCO DIVISION</p> <p>4</p> <p>5 In re TWITTER INC. SECURITIES LITIGATION</p> <p>6 This Document Relates To:</p> <p>7 ALL ACTIONS.</p> <p>8</p> <p>9 Case No. 3:16-cv-05314-JST (SK)</p> <p>10 CLASS ACTION</p> <p>11 AMENDED NOTICE OF DEPOSITIONS TO NON-PARTIES</p> <p>12</p> <p>13 Attorneys' Eyes Only Videotaped</p> <p>14 Deposition of ADAM MESSINGER, Volume I, taken on</p> <p>15 behalf of Plaintiffs, at One Montgomery Street, San</p> <p>16 Francisco, California, beginning at 9:07 a.m. and</p> <p>17 ending at 4:17 p.m. on Wednesday, February 13, 2019,</p> <p>18 before JOHNNA PIPER, Certified Shorthand Reporter</p> <p>19 No. 11268.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 3	Page 4
<p>1 APPEARANCES:</p> <p>2 For Plaintiffs:</p> <p>3 Robbins, Geller, Rudman & Dowd, LLP</p> <p>4 655 West Broadway, Suite 1900</p> <p>5 San Diego, California 92101</p> <p>6 (619) 231-1058</p> <p>7 ddrosman@rgrdlaw.com</p> <p>8 By: Daniel S. Drosman, Esq.</p> <p>9</p> <p>10 Lead Counsel for Lead Plaintiff and the Class (via</p> <p>11 Zoom):</p> <p>12</p> <p>13 Motley Rice LLC</p> <p>14 28 Bridgeside Boulevard</p> <p>15 Mount Pleasant, South Carolina 29464</p> <p>16 glevin@motleyrice.com</p> <p>17 (843) 216-9512</p> <p>18 By: Gregg S. Levin, Esq.</p> <p>19</p> <p>20 For the Defendants and the Witness:</p> <p>21</p> <p>22 Cooley LLP</p> <p>23 101 California Street</p> <p>24 San Francisco, California 94111-5800</p> <p>25 (415) 693-2012</p> <p>kgoodhart@cooley.com</p> <p>By: Kathleen H. Goodhart, Esq.</p> <p>Laura Elliott, Esq.</p> <p>Rob Paris, Esq.</p> <p>Also Present:</p> <p>Michele Lee, Twitter</p> <p>Terry Koelbl, Robbins, Geller, Rudman &</p> <p>Dowd, LLP</p> <p>Ralna Ramse, Videographer</p>	<p>1 I N D E X</p> <p>2 WITNESS EXAMINATION</p> <p>3 Adam Matthew Messinger</p> <p>4 By Mr. Drosman 9</p> <p>5</p> <p>6 EXHIBITS</p> <p>7 PLAINTIFFS' PAGE</p> <p>8 Exhibit 220 LinkedIn page for Adam Messinger 42</p> <p>9 Exhibit 221 E-mail from Lon-1 Loon (12, Poly, 61</p> <p>10 LCD, VC) to dick@twitter.com</p> <p>11 dated 3/2/2015, subject:</p> <p>12 Accepted: Operating Committee:</p> <p>13 Code Red Review (pls prioritize)</p> <p>14 @ Mon Mar 2, 2015 9:30am -</p> <p>15 10:30am (Dick Costolo,</p> <p>16 Bates-stamped TWTR_SHEN_00010634</p> <p>17</p> <p>18 Exhibit 222 E-mail from Leslie Carroll to 74</p> <p>19 Operating Committee dated</p> <p>20 5/25/2015, subject: OpComm</p> <p>21 AGENDAS: May 26 & June 1,</p> <p>22 Bates-stamped TWTR_SHEN_00077648</p> <p>23 through 49</p> <p>24 Exhibit 223 E-mail from Adam Messinger to 79</p> <p>25 Operating Committee dated</p> <p>3/3/2015, subject: Core user</p> <p>churn, Bates-stamped</p> <p>TWTR_SHEN_00126745</p> <p>Exhibit 224 E-mail string beginning with 109</p> <p>e-mail from Anthony Noto to Kevin</p> <p>Weil, et al., dated 3/14/2015,</p> <p>subject: Re: Growth metrics for</p> <p>2015-03-13 (MAUs: 304.55M) with</p> <p>attachment, Bates-stamped</p> <p>TWTR_SHEN_00227833 through 35</p> <p>Exhibit 225 Metadata sheet 116</p>

<p style="text-align: right;">Page 237</p> <p>1 Vanity Fair was doing a feature article on Twitter, 2 correct? 3 MS. GOODHART: Objection. Vague. 4 THE WITNESS: That's what the e-mail -- the 5 e-mail says we're doing that. 6 BY MR. DROSMAN: 7 Q. And you knew that Nick Bilton was the 8 author of that article? 9 A. Where does it say that? 10 MS. GOODHART: Objection. Lacks 11 foundation. 12 THE WITNESS: I -- I don't think I knew 13 that, and I don't think this e-mail says that. 14 BY MR. DROSMAN: 15 Q. Right. I'm just asking if you knew that at 16 this point. 17 A. No. 18 Q. Okay. Have you ever spoken to Nick Bilton? 19 A. Yes. 20 Q. When did you speak to Nick Bilton? 21 A. I think so. I can't tell you for sure. 22 Here's what I'm thinking of: Gabriel used to have 23 these holiday cocktails with the press, and I think 24 I met him at one of those. 25 Q. Were you ever interviewed by Mr. Bilton in</p>	<p style="text-align: right;">Page 238</p> <p>1 connection with this Vanity Fair article? 2 A. No. 3 Q. Did you ever speak to Mr. Bilton about 4 anything having to do with Twitter? 5 MS. GOODHART: Objection. Vague. 6 THE WITNESS: I don't recall. 7 BY MR. DROSMAN: 8 Q. Did you speak to Mr. Bilton about user 9 metrics at any point? 10 A. No. 11 Q. Did you communicate in writing with 12 Mr. Bilton ever? 13 A. No. 14 Q. Your communications with Mr. Bilton were 15 all oral. Is that right? 16 MS. GOODHART: Objection. Mischaracterizes 17 the witness's testimony. 18 THE WITNESS: As I said, I think I met him 19 at one of those cocktail parties. 20 BY MR. DROSMAN: 21 Q. Why do you believe you met Mr. Bilton at 22 one of con -- those cocktail parties? 23 A. I just have a vague memory of it, that he 24 wrote that book, so he was like a someone I knew of. 25 I didn't read the book, but I remember thinking,</p>
<p style="text-align: right;">Page 239</p> <p>1 "Oh, yeah, that's that guy." But . . . 2 MS. GOODHART: Mr. Drosman, I'm getting the 3 distinct impression that there may be a filibuster 4 going on here. 5 MR. DROSMAN: You're -- you're under the 6 incorrect impression. I'm asking -- 7 MS. GOODHART: Okay. You keep looking 8 at -- 9 MR. DROSMAN: -- questions. 10 MS. GOODHART: You keep looking at your 11 phone -- 12 MR. DROSMAN: Oh. 13 MS. GOODHART: -- you keep looking at your 14 watch. I feel as though -- 15 MR. DROSMAN: The reason -- 16 MS. GOODHART: -- and I -- and I don't mean 17 to be critical here, but I don't feel as though 18 you're focused in on utilizing this witness's time 19 who is a third party, and he's generously agreed to 20 be here today. I don't feel as though you are using 21 the time efficiently, and I'm concerned about the 22 fact you seem to be much more focused on your e-mail 23 and your watch phone that on completing the 24 examination of this witness and allowing this third 25 party to leave.</p>	<p style="text-align: right;">Page 240</p> <p>1 MR. DROSMAN: I'm very focused on this 2 witness's examination, and you're absolutely 3 incorrect that I'm in any way wasting his time. 4 These questions are absolutely critical to our case, 5 and I will continue to conduct the deposition as I 6 see fit. 7 The reason I have glanced at my watch and 8 at my e-mails during the course of the last 20 9 minutes or so is because the Court has indicated 10 that she would like to have a conference with the 11 parties, or at least the parties' counsel to discuss 12 the e-mail I sent about potential abuses during the 13 deposition. And so I want to make sure, because the 14 Court has sent us a dial-in number, that we are -- 15 that we appear at that particular conference in a 16 timely fashion. I don't want to miss or be late to 17 the conference. And so I've been glancing at my 18 watch periodically so I make sure that we take a 19 break in time to make that particular conference. 20 MS. GOODHART: Okay. So, Counsel, as you 21 are looking at your e-mails and your watch and at 22 the same time utilizing this witness's time for 23 examination, you should take a break and advise all 24 counsel with respect to when the conference call is 25 going to be and explain why it is that you're not</p>

Page 241

1 wasting this witness's time waiting for that call.
 2 MR. DROSMAN: Oh, I don't think I owe you
 3 any of those explanations. I've conducted this
 4 deposition in a professional, thorough way, and I'll
 5 continue to do so. We have a call in approximately
 6 nine minutes. We can go ahead and take a break now
 7 to prepare for it if you'd like.
 8 MS. GOODHART: No, no. I think we should
 9 keep going until the telephone call. This witness
 10 is taking time out of his life -- he's a third
 11 party -- to be here today. Let's keep going until
 12 it is time for the call, and the witness can take a
 13 break.
 14 MR. DROSMAN: Okay. I just note that for
 15 somebody who at least professes to be concerned
 16 about wasting the witness's time, you've spent quite
 17 a bit of time speaking on the record, and I -- I do
 18 say that I find that very wasteful of the witness's
 19 time, and I wish you'd --
 20 MS. GOODHART: And I find it --
 21 MR. DROSMAN: -- stop doing that.
 22 MS. GOODHART: I find it very wasteful
 23 you're having third parties come in and have you
 24 read documents and read documents to them. I think
 25 it is incredibly wasteful. But we can take that up

Page 243

1 foundation.
 2 THE WITNESS: I think Gabriel knew all the
 3 reporters covering Twitter.
 4 BY MR. DROSMAN:
 5 **Q. As the director of communication?**
 6 MS. GOODHART: Objection. Vague.
 7 THE WITNESS: I don't know what his title
 8 was. Was it director of communications? I thought
 9 it was VP of communications.
 10 BY MR. DROSMAN:
 11 **Q. Okay. Why don't I show you what we'll mark**
 12 **as Plaintiffs' Exhibit 238 and 239 for**
 13 **identification.**
 14 (Plaintiffs' Exhibits 238 and 239 were
 15 marked for identification.)
 16 MR. DROSMAN: Let the record reflect that
 17 Plaintiffs' Exhibit 238 is metadata for a document
 18 beginning on Bates number Twitter, underscore, Shen,
 19 underscore, 00363183 and ending on Bates number
 20 00363187, and the file name is indicated as "vanity
 21 fair June issue." The custodian includes Adam
 22 Messinger on the metadata is 238.
 23 And Plaintiffs' Exhibit 239 consists of an
 24 e-mail and attachment, and that bears Bates numbers
 25 Twitter, underscore, Shen, underscore, 0036183 to

Page 242

1 at a later time, Mr. Drosman. Why don't you finish
 2 your examination of the witness.
 3 MR. DROSMAN: I'll just note for the record
 4 that you're absolutely incorrect about that. It's
 5 apparent that you don't understand the purpose of
 6 the deposition if you find anything I've done today
 7 wasteful.
 8 MS. GOODHART: It is apparent you don't
 9 know how to take a deposition.
 10 BY MR. DROSMAN:
 11 **Q. When you spoke to Mr. Bilton at a cocktail**
 12 **party, you mentioned that the cocktail party was**
 13 **organized by Gabriel Stricker. Is that right?**
 14 A. Yeah. Like I said, I'm not one hundred
 15 percent certain I met him, but if I met him it would
 16 have been at one of those things. I think I did.
 17 **Q. And did you attend just one of these**
 18 **cocktail parties organized by Mr. Stricker or**
 19 **multiple ones?**
 20 A. I think I was invited to two and came to
 21 one.
 22 **Q. Okay. And was Mr. Stricker -- did you have**
 23 **the impression Mr. Stricker was friendly with --**
 24 **with Mr. Bilton?**
 25 MS. GOODHART: Objection. Vague;

Page 244

1 187.
 2 **Q. Let me know when you're through reviewing**
 3 **the document, please.**
 4 A. Want me to read this article?
 5 **Q. You can review as much of it as you -- as**
 6 **you feel necessary, and, of course, I'll afford you**
 7 **additional time during my questions to review more**
 8 **of it if you see -- if you need that time?**
 9 MS. GOODHART: So, Counsel, this is a very,
 10 very lengthy article, and it would be a complete
 11 waste of the witness's time. Again, I'm going to
 12 ask you to please be cognizant of the fact that you
 13 are asking third parties to come and sit for
 14 depositions where you asking them to read documents.
 15 BY MR. DROSMAN:
 16 **Q. If you'd prefer, I can just begin asking**
 17 **you questions without giving you a chance to review**
 18 **the document, sir. I'm happy to do that. Would you**
 19 **like the opportunity to review it, or would you**
 20 **prefer that I ask you questions without an**
 21 **opportunity to review?**
 22 MS. GOODHART: Well, why don't you tell
 23 us --
 24 MR. DROSMAN: Well, what I'm -- I'm asking
 25 the witness a question.

Page 245

1 Q. Can you answer that question?

2 MS. GOODHART: That's not fair. That's

3 harassing. I am going to object. You are harassing

4 the witness.

5 MR. DROSMAN: Objection. Noted.

6 Q. Sir, can you answer that question? Do you

7 want time to review the document or would you prefer

8 that I ask questions now?

9 A. Does the time I spend reading against this

10 count against your time?

11 Q. It does.

12 A. Great. I'll read this.

13 Q. Okay.

14 MR. DROSMAN: We're going to go ahead and

15 take a break for a call with the Court, so we'll go

16 off the record.

17 THE VIDEOGRAPHER: Going off the record,

18 the time is 3:27 p.m.

19 (Recess taken.)

20 THE VIDEOGRAPHER: We're back on the record

21 at 3:51 p.m.

22 BY MR. DROSMAN:

23 Q. And, Mr. Messinger, you understand that

24 you're still under oath?

25 A. Yes.

Page 247

1 A. I do.

2 Q. Could you take a look at Plaintiffs'

3 Exhibit 230.

4 A. Okay.

5 Q. Plaintiffs' Exhibit 230 contains the

6 attachment beginning on page 840 entitled "Growth

7 Handbook." Do you see that?

8 A. I do.

9 Q. And you're listed as one of the editors of

10 the growth handbook, right?

11 A. I am listed in that way, yes.

12 Q. Is this the document that refreshed your

13 recollection that you were reviewed in preparation

14 for your deposition?

15 A. I'm not sure.

16 Q. Okay. We can turn now back to Plaintiffs'

17 Exhibit 239 for identification. That's the

18 e-mail -- the cover e-mail plus the Vanity Fair

19 article. And I'm only going to direct you to two

20 paragraphs in that article -- well, three -- three

21 paragraphs in the article. Of course, I'll afford

22 you any time that you'd like after I ask a question

23 to review the document or the surrounding

24 paragraphs.

25 So if you would prefer that I continue my

Page 246

1 Q. When we broke, I believe you were reading

2 Plaintiffs' Exhibit 239. Is that right?

3 A. Yes.

4 Q. If you could just put that aside for a

5 moment, I'm just going to ask you a few questions.

6 Then we'll go back to 239. Okay.

7 Can you please provide me with your

8 residence address for the record?

██

██

11 Q. Okay. And when we talked about your

12 preparation for deposition, you mentioned that you

13 prepared in person on two separate days, right?

14 A. Yes.

15 Q. The first day that you prepared in person,

16 where did you meet?

17 A. At the Cooley office, 101 California.

18 Q. Okay. And the second day that you prepared

19 in person, where did you meet?

20 A. The same.

21 Q. Okay. And you recall that I asked you

22 whether a certain document that I showed you

23 refreshed -- was the document that refreshed your

24 recollection during your preparation. Do you

25 remember that question?

Page 248

1 examination now, I'm happy to do that. If you'd

2 rather read the document, that's up to you.

3 A. I'll read it --

4 (Reporter requests clarification.)

5 THE WITNESS: I'll read it in its totality,

6 please.

7 MS. GOODHART: And I'd like to mark the

8 entire transcript "attorneys' eyes only" pursuant to

9 the protective order.

10 BY MR. DROSMAN:

11 Q. Have you had a chance to read the document?

12 A. Yep.

13 Q. Okay. Great. Directing your attention to

14 the first page of Plaintiffs' Exhibit 239, see it's

15 an e-mail from Alexandra Valasek?

16 A. I see that name on the "from" line, yes.

17 Q. Do you know who that is?

18 A. No. No, I don't recall who that is.

19 Q. She's -- all right. Her signature block

20 below indicates that she's from the communications

21 department at Twitter. You see that?

22 A. I do.

23 Q. That doesn't jog your memory at all?

24 A. Nope.

25 Q. Okay. And then it -- the e-mail was sent

Page 257

1 CERTIFICATE OF REPORTER

2 I, JOHNNNA PIPER, a Certified Shorthand

3 Reporter, hereby certify that the witness in the

4 foregoing deposition was by me duly sworn to tell

5 the truth, the whole truth, and nothing but the

6 truth in the within-entitled cause;

7 That said deposition was taken in shorthand

8 by me, a disinterested person, at the time and place

9 therein stated, and that the testimony of the said

10 witness was thereafter reduced to typewriting, by

11 computer, under my direction and supervision;

12 That before completion of the deposition,

13 review of the transcript [X]was []was not

14 requested. If requested, any changes made by the

15 deponent (and provided to the reporter) during the

16 period allowed are appended hereto.

17 I further certify that I am not of counsel

18 or attorney for either or any of the parties to the


19 said deposition, nor in any way interested in the

20 event of this cause, and that I am not related to

21 any of the parties thereto.

22 DATED: FEBRUARY 18TH, 2019

23

24 

25 JOHNNA PIPER, CSR NO. 11268

Page 259

1 DEPOSITION ERRATA SHEET

2 Case Name: In re Twitter Inc. Securities Litigation

3 Name of Witness: Adam Messinger

4 Date of Deposition: 02/13/2019

5 Job No.: 10051935

6 Reason Codes: 1. To clarify the record.

7 2. To conform to the facts.

8 3. To correct transcription errors.

9 Page ____ Line ____ Reason ____

10 From ____ to ____

11 Page ____ Line ____ Reason ____

12 From ____ to ____

13 Page ____ Line ____ Reason ____

14 From ____ to ____

15 Page ____ Line ____ Reason ____

16 From ____ to ____

17 Page ____ Line ____ Reason ____

18 From ____ to ____

19 Page ____ Line ____ Reason ____

20 From ____ to ____

21 Page ____ Line ____ Reason ____

22 From ____ to ____

23 Page ____ Line ____ Reason ____

24 From ____ to ____

25 Page ____ Line ____ Reason ____

Page 258

1 DECLARATION UNDER PENALTY OF PERJURY

2 Case Name: In re Twitter Inc. Securities Litigation

3 Date of Deposition: 02/13/2019

4 Job No.: 10051935

5

6 I, ADAM MESSINGER, hereby certify

7 under penalty of perjury under the laws of the State of

8 _____ that the foregoing is true and correct.

9 Executed this ____ day of

10 _____, 2019, at _____.

11

12

13 _____

14 ADAM MESSINGER

15

16 NOTARIZATION (If Required)

17 State of _____

18 County of _____

19 Subscribed and sworn to (or affirmed) before me on

20 this ____ day of _____, 20____,

21 by _____, proved to me on the

22 basis of satisfactory evidence to be the person

23 who appeared before me.

24 Signature: _____ (Seal)

25

Page 260

1 DEPOSITION ERRATA SHEET

2 Page ____ Line ____ Reason ____

3 From ____ to ____

4 Page ____ Line ____ Reason ____

5 From ____ to ____

6 Page ____ Line ____ Reason ____

7 From ____ to ____

8 Page ____ Line ____ Reason ____

9 From ____ to ____

10 Page ____ Line ____ Reason ____

11 From ____ to ____

12 Page ____ Line ____ Reason ____

13 From ____ to ____

14 Page ____ Line ____ Reason ____

15 From ____ to ____

16 Page ____ Line ____ Reason ____

17 From ____ to ____

18 Page ____ Line ____ Reason ____

19 From ____ to ____

20 Page ____ Line ____ Reason ____

21 From ____ to ____

22 Subject to the above changes, I certify that the

23 transcript is true and correct

24 No changes have been made. I certify that the

25 transcript is true and correct.

26 _____

27 ADAM MESSINGER